

REMARKS

Claims 1-41 are pending in the present application. Claims 1, 2, 12, 21, 23, 34 and 40 were amended to better define the claims over the prior art. No new matter has been introduced as a result of the amendments.

The Abstract was also amended for informalities. Specifically, the invention title was removed from the Abstract. No new matter was introduced as a result of the amendment.

Claims 1-6, 8-10, 12-18, 20, 21, 23-29, 31, 32, 34-40 are rejected under 35 U.S.C. §102(e) as being anticipated by *Carneal* (US Patent 6,532,220).

Claims 7, 19, 22, 30, 33, 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Carneal* (US Patent 6,532,220) in view of *Heath et al.* (US Patent 6,564,274). In view of the above amendments, Applicant respectfully traverses the rejections as follows:

Specifically, none of the cited references, alone or in combination, disclose “dynamically manage bandwidth associated with the plurality of return channels and a burst channel demodulator coupled to the NCC and configured to demodulate the signals that are received from each of the plurality of return channel” as recited in claim 1 and similarly recited in claim 23. Both *Carneal* and *Heath* are silent on these features.

Also, none of the cited references, alone or in combination, disclose “dynamically assigning bandwidth provided over a plurality of return channels to a plurality of remotes, determining if sufficient bandwidth is allocated to each communicating channel, sending data via ALOHA channels to dynamically allocate additional bandwidth if the determining step establishes that insufficient bandwidth exists and generating signals associated with the frames using a plurality of carriers, each of the carriers being a Time Division Multiple Access (TDMA) stream” as recited in claims 12 and 34. Again, both *Carneal* and *Heath* are silent on these features.

In light of the above, Applicant respectfully submits that all pending claims, as amended herein, are both novel and non-obvious over the art of record. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. §102 and §103 be withdrawn and a timely Notice of Allowance be issued in this case. No amendment

made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If, however, the Examiner believes that there are any unresolved issues requiring adverse action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Craig Plastrik, at 301-601-7252, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Plastrik', written over a horizontal line.

Dated: 15 November 2004

Craig Plastrik
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